

REMARKS

Forty-three claims were originally filed in the present Application. Claims 1-43 currently stand rejected. Claims 5 and 25 are amended, and new claims 44 and 45 are added herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Drawings

In paragraph 1 of the Office Action, the Examiner objects to the drawings “because they do not include . . . reference sign(s) mentioned in the description. In particular, the Examiner refers to the subject matters “input controller, output controller; computer-readable medium”. Applicant respectfully traverses.

Applicant refers the Examiner to page 9, line 5 of the FIG. 3 discussion which states “an input controller 212 (FIG. 2)”. In addition, Applicant refers the Examiner to page 9, line 14 of the FIG. 3 discussion which states “an output controller 214 (FIG. 2)”. With regard to the “computer-readable medium”, Applicant refers the Examiner to FIG. 2 which shows a “memory 120” that includes various software modules that perform Applicant’s invention. Applicant submits that memory 120 provides support for the “computer-readable medium”.

In view of the foregoing remarks, Applicant believes that the Examiner’s objections are addressed, and respectfully requests that the objections be withdrawn so that the Application may issue in a timely manner.

Specification

In paragraph 2 of the Office Action, the Examiner objects to the Applicant's disclosure. In particular, the Examiner requests clarification regarding the functionality and utilization of the components of memory 120 with respect to FIGS. 2 and 3. In response, Applicant points out that on page 8, lines 9-10 of the Specification, FIG. 3 is described as a diagram "illustrating an audio/video synchronization procedure" FIG. 3 therefore is intended to illustrate various functionalities for one embodiment of the Applicant's invention.

In addition, while Applicant's invention may be implemented using hardware configurations, FIG. 2 shows and describes an embodiment in which a group of software modules are executed by CPU 112 (FIG. 1) to perform the various functions of the invention. In view of the foregoing remarks, Applicant believes that the Examiner's objections are addressed, and respectfully requests that the objections be withdrawn so that the Application may issue in a timely manner.

35 U.S.C. § 102(e)

In paragraph 4 of the Office Action, the Examiner rejects claims 1-4, 6-10, 12-24, 26-30, 32-43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,668,601 to Okada et al. (hereafter Okada). The Applicant respectfully traverses these rejections for at least the following reasons.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference."

Diversitech Corp. v. Century Steps, Inc., 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Okada fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Okada teaches a audio/video decoding system that considers respective audio and video decoding times when synchronizing the audio output and video output (see column 5, line 44 to column 6, line 36). However, Applicant submits that Okada nowhere discloses separate “decode timestamps” and “output timestamps”, as claimed by Applicant in claims 1 and 21.

In addition, the Examiner cites column 6, lines 7-36 of Okada against Applicant’s claimed “output controller”. Applicant respectfully traverses the Examiner’s interpretation of Okada. Applicant submits that Okada nowhere discloses a separate input controller and a separate output controller that operate independently in response to different decode and output timestamps. For at least the foregoing reasons, Applicant submits that independent claims 1, 21, and 41-43 are not anticipated by the teachings of Okada.

In addition, with regard to claim 42, “means-plus-function” language is utilized to recite elements and functionality similar to those recited in claims 1 and 21. The Courts have frequently held that “means-plus-function” language, such as that of claim 42, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. Applicant respectfully submits that, in light of the substantial differences between the teachings of Okada and Applicant’s invention

as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of Okada.

Regarding the Examiner's rejection of dependent claims 2-4, 6-10, 12-20, 22-24, 26-30, 32-40, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicant therefore respectfully requests reconsideration and allowance of dependent claims 2-4, 6-10, 12-20, 22-24, 26-30, 32-40 so that these claims may issue in a timely manner.

Furthermore, claims 8-9, 13, 18, 28-29, 33, and 38-39 recite a "receiver system time clock" that is shown and discussed in conjunction with FIG. 1 as being a part of receiver 130. In contrast, Okada recites extracting a "system clock reference" that is provided from an external source as part of "a multiplexed audio and video stream" that is received by the decoding system of Okada (see column 5, lines 63-67). Applicant therefore submits that claims 8-9, 13, 18, 28-29, 33, and 38-39 are not anticipated by the teachings of Okada.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Okada to identically teach or suggest the claimed invention, Applicant respectfully requests reconsideration and allowance of claims 1-4, 6-10, 12-24, 26-30, 32-43 so that these claims may issue in a timely manner.

35 U.S.C. § 103

In paragraph 6 of the Office Action, the Examiner rejects claims 5, 11, 25, and 11 under 35 U.S.C. § 103 as being unpatentable over Okada in view of U.S. Patent No. 6,236,432 to Lee (hereafter Lee). The Applicant respectfully traverses these rejections for at least the following reasons.

Applicant maintains that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Applicants respectfully traverse the Examiner's assertion that modification of the device of Okada according to the teachings of Lee would produce the claimed invention. Applicants submit that Okada in combination with Lee fail to teach a number of the claimed elements of the present invention. Furthermore, Applicants also submit that neither Okada nor Lee contain teachings for combining the cited references to produce the Applicant's claimed invention. The

Applicant therefore respectfully submits that the obviousness rejections under 35 U.S.C §103 are improper.

Regarding the Examiner's rejection of dependent claims 5, 11, 25, and 31, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicant submits that claims 5, 11, 25, and 31 are not unpatentable under 35 U.S.C. § 103 over Okada in view of Lee, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicant therefore respectfully requests reconsideration and withdrawal of the rejections of claims 5, 11, 25, and 31 under 35 U.S.C. § 103.

New Claims

The Applicant herein submits additional claims 44-45 for consideration by the Examiner in the present Application. The new claims 44-45 recite specific detailed embodiments for implementation and utilization of Applicant's invention, as disclosed and discussed in the Specification. Applicant submits that newly-added claims 44-45 contain a number of limitations that are not taught or suggested in the cited references. Applicant therefore respectfully requests the Examiner to consider and allow new claims 44-45, so that these claims may issue in a timely manner.

Summary

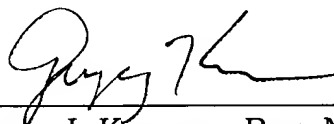
Applicant submits that the foregoing amendments and remarks overcome the Examiner's objections and rejections. Because the cited references, or the Examiner's citations thereto, do not teach the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicant therefore submits that the claimed invention is patentable over the cited art, and respectfully requests the Examiner to allow claims 1-45 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

Date: _____

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By: _____



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